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The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARRI RAJALA, SAMI LAHTI, TAPAN RAUTAVIRTA, SAMU LAHTI, and MARKUS SALMI

Appeal No. 2004-1155
Application No. 09/551,899

ON BRIEF

Before DIXON, BLANKENSHIP, and SAADAT, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 2, 4-6, 8, and 10-19, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

Appellants' invention relates to a method and apparatus for supporting multiple alternative graphical user interfaces in computer-moderated electronic commerce. An understanding of the invention can be derived from a reading of exemplary claim 1[1], which is reproduced below.

> 1. A system for communicating commercial transaction information between a Seller and a plurality of Buyers over a distributed data processing system, comprising:
>
> a single database for maintaining a plurality of user interface metadata elements including at least component identifications and component properties;
>
> a visual rule model for configuring a plurality of graphical user interface dialog pages utilizing the metadata and a plurality of dialog rules;
>
> a plurality of rendering engines each adapted to respond to commands from the visual rule model and each further operable to construct a plurality of graphical user interface screens in a different language; and
>
> a dialog manager operable to select one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer's communication channel and further operable to pass at least the metadata elements to the selected rendering engine in order to dynamically construct a plurality of graphical user interface screens in the distributed data processing systems in order to allow the communication of information between the Seller and the plurality of Buyers necessary related to a potential commercial transaction.

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[1]We note that the amendment filed May 13, 2003, Paper No. 15 has been indicated by the examiner as being entered, but has not been formally entered in the file.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Shaw et al. (Shaw)	6,104,392	Aug. 15, 2000 (Filed Nov. 12, 1998)
Isreal et al. (Isreal)	6,330,007	Dec. 11, 2001 (Filed Dec. 18, 1998)

Claims 1, 2, 4-6, 8, and 10-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Isreal in view of Shaw.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 19, mailed Nov. 5, 2003) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 18, filed Aug. 11, 2003) and reply brief (Paper No. 20, filed Jan. 5, 2004) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

At the outset, we note that appellants have elected to group all the claims together, but we note that independent claims 1 and 10 contain a limitation to a "different language" for the plurality of GUI's which is not in independent claims 5, 14, and 17. Therefore, we will evaluate the two different groups of claims. Additionally, we

note that the examiner has withdrawn the rejection of claims 14-19 based on 35 U.S.C. § 101.

Appellants argue that the examiner acknowledges that Isreal does not disclose, teach or suggest the claimed "plurality of rendering engines each adapted to respond to commands from the visual rule model and each further operable to construct a plurality of graphical user interface screens in a different language." We agree with appellants and find that Isreal only teaches a tool for the prototyping and specifying of a graphical user interface (GUI) and use thereof. Appellants argue that the examiner acknowledges that Isreal does not disclose, teach or suggest the claimed "dialog manager operable to select one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer's communication channel" since Isreal does not teach or suggest the rendering engines. (See brief at page 8.) We agree with appellants.

The examiner maintains that Shaw teaches the plurality of rendering engines adapted for responding to the creation of a GUI based on distinct programming languages and a means for selecting the relevant rendering engine based on the communication channel. (See answer at page 4.) From our review of the teachings of Shaw at column 1 and column 8, identified by the examiner, we find no support for the examiner's position that Shaw teaches that a rendering engine is selected based upon the communication channel. We find that Shaw does recognize that clients' communication channels may have varying bandwidth and that the "protocol engine

understands the standard protocols the application types currently use. X-windows type applications would use a protocol engine that is different than the protocol engine used for Microsoft Windows type applications. The appropriate protocol engine translates the standard protocol requests into an adaptive Internet protocol that the display engine on the client device can display" and "UAP server 250 via session manager 270 associates one protocol engine and one display engine for each corresponding application type." Here, we agree with appellants' argument (page 9 of the brief and pages 3 and 4 of the reply brief) that the display engine is selected or corresponds to the application type rather than the bandwidth. We make no finding regarding the type of application or its relationship, if any, to the bandwidth of the communication since the examiner has not made any findings concerning any relationship. The examiner repeatedly refers to column 8, lines 4-7 to support that the selection is based upon a user's bandwidth capabilities, but we find no such explicit teaching to support the examiner's contention. The examiner expands his citation to column 8 to include lines 4-16, but we find no such explicit teaching to support the examiner's contention. We do find that Shaw teaches, at columns 11-14, that bandwidth is used to adapt the Adaptive Internet Protocol Link Operation. Here, we find that the bandwidth is used to adjust the encoding process, but Shaw is silent as to its use to select one of a plurality of rendering engines. Therefore, we do not agree with the examiner that Shaw explicitly teaches or fairly suggests that the protocol engine allows for the selection of the display capabilities based on the

bandwidth of the user's system. Therefore, we find that the examiner has not established a ***prima facie*** case of obviousness, and we cannot sustain the rejection of independent claim 1 and its dependent claims 2, 4, and 13. Similarly, we cannot sustain the rejection of independent claim 10 and its dependent claims 11 and 12.

With respect to independent claims 5, 14 and 17, as noted above claim 5 does not contain a limitation to the GUI's being in different languages, but we do not base our decision on the limitation of the GUI's being in the different languages above. Therefore, we similarly cannot sustain the rejection of independent claims 5, 14, and 17 and their dependent claims 6, 8, 15, 16, 18, and 19.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 2, 4-6, 8, and 10-19 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH L. DIXON
Administrative Patent Judge

HOWARD B. BLANKENSHIP
Administrative Patent Judge

MAHSHID D. SAADAT
Administrative Patent Judge

) BOARD OF PATENT APPEALS AND INTERFERENCES

JD/RWK

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